

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LEONELA ARACELY VALDEZ
HERRERA,

Plaintiff,

vs.

FIRST NATIONAL BANK OF OMAHA,
N.A.,

Defendant.

Case No.: 2:17-cv-01136-RSWL-SK

DECLARATION OF PAUL OSBORNE

I, Paul Osborne, state under penalties of perjury:

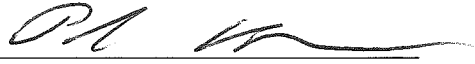
1. I am over the age of eighteen, of sound body and mind, and competent to testify to the matters contained herein. The statements stated herein are from my personal knowledge and if called to testify regarding the same, I would be competent and willing to do so.
2. I have been employed at First National Bank of Omaha for over 8 years
3. I am currently the Director of the Collection and Recovery area.
4. My current job duties include, among others, managing the day to day operations of the collection and recovery areas and supervising the collection staff in handling collection calls.
5. I am familiar with the facts and circumstances in this case as I have reviewed the business records of First National Bank of Omaha associated with the Plaintiff's Account ending in 9451 and have listed to recorded telephone calls on the Account.
6. The phone number called in this case ended in 6948, this number was provided by the Plaintiff to First National Bank of Omaha during the application process.

- 1 7. As part of First National Bank of Omaha's collection practices and proceedings, when a
2 telephone number associated with the Account is called, the representative is trained to
3 verify the individual that we are speaking with to ensure that the individual has authority
4 to act on the Account.
- 5 8. In this case, on January 4, 2017, a representative from First National Bank of Omaha
6 attempted to call the Plaintiff at the number that the Plaintiff provided First National
7 ending in 6948.
- 8 9. At the beginning of the call, the First National representative asked to speak with the
9 Plaintiff, but the individual that answered the phone call refused to identify herself.
- 10 10. The business records for First National Bank of Omaha memorialized this call and state
11 "GAL ANSWERED AND S[ai]D STOP CALLING ME THEN SHE H[ung]/U[p]."
- 12 11. Since the individual refused to identify herself, our collectors are trained to take no action
13 until we confirm with the cardholder, or a person with authority, if they want to be
14 contacted further regarding the Account.
- 15 12. This practice is to protect our customers in order to ensure that an unauthorized individual
16 is not taking actions on the customer's account without authority.
- 17 13. I've listened to other phone recordings associated with this Account and on at least one
18 other occasion an individual that appeared to be a minor answered the phone number
19 associated with this Account and hung up.
- 20 14. In this case, if the individual that answered the phone call on January 4, 2017 would have
21 properly identified herself as the Plaintiff and requested that First National Bank of
22 Omaha no longer call the Plaintiff, our policies and procedures would have required the
23 24 25 26 27 28

1 telephone number ending in 6984 to be removed from the Plaintiff's account with First
2 National Bank of Omaha.

3 I declare under penalties of perjury under the laws of the United States that the foregoing
4 is true and correct to the best of my knowledge.

5 Dated: 11/9/17
6

7
8 
9 Paul Osborne